

Entered - 8-7 - 02 - sb
CL 02L0550 - GWENDOLYN BURNS

CLAIM OF: **Belinda Neal**
85 Mt. Zion Road #162
Atlanta, Georgia 30354

02-R-1941

For vehicular damages alleged to have been sustained from driving over a construction site that was left open and in an unsafe condition on May 4, 2002 at Fairlie Street, NW & Marietta Street, NW.

THIS ADVERSED REPORT IS
APPROVED

BY: *Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

NOV 18 2002

ADVERSED BY
CITY COUNCIL NOV 18 2002

CERTIFIED
NOV 18 2002
Rosalind Rubens Newell
MUNICIPAL CLERK

ADVERSE REPORT

COMM: *Public Safety*

DATE: *11/12/02*

CHAIR: *[Signature]*

[Signature]

[Signature]

[Signature]

[Signature]

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[Signature]

[Signature]



November 25, 2002

Belinda Neal
85 Mt. Zion Road
Apartment 162
Atlanta, GA 30354

02-R-1938

Dear Ms. Neal:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on November 18, 2002. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Sincerely,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0550

Date: October 29, 2002

Claimant /Victim BELINDA NEAL
BY: (Atty) (Ins. Co.) _____
Address: 85 Mt. Zion Road, #162, Atlanta, Georgia 30354
Subrogation: _____ Claim for Property damage \$ 202.12 Bodily Injury \$ _____
Date of Notice: 8/1/02 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 5/4/02 Place: Fairlie Street, NW & Marietta Street, NW
Department _____ Division _____
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant alleges that her vehicle sustained damage when she drove over a construction site that was improperly covered in the roadway. An investigation determined that an outside contractor was responsible for the road defect. The claimant has been so advised and her claim has been forwarded to the contractor for resolution.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others X Written _____ Oral X
Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other _____
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

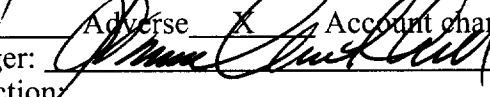
BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial _____
Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____
City not involved X Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2P01 _____ 2H01 _____
Claims Manager:  Concur/date 10-31-02
Committee Action: _____ Council Action _____

RCS# 4225
11/18/02
2:59 PM

Atlanta City Council

Regular Session

CONSENT I Pgs. 1-9; Except 02-R-1982; 02-O-1882;

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

NV Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
NV Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

11/18/02 Council Meeting	
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED
AGENDA	ON CONSENT AGENDA
1. 02-O-1774	31. 02-R-1937
2. 02-O-1972	32. 02-R-1938
3. 02-O-1297	33. 02-R-1939
4. 02-O-1859	34. 02-R-1940
5. 02-O-1860	35. 02-R-1941
6. 02-O-1861	36. 02-R-1942
7. 02-O-1974	37. 02-R-1943
8. 02-O-1979	38. 02-R-1944
9. 02-O-1902	39. 02-R-1945
10. 02-O-1962	40. 02-R-1946
11. 02-O-1971	41. 02-R-1947
12. 02-O-1863	42. 02-R-1948
13. 02-O-1864	43. 02-R-1949
14. 02-R-1924	44. 02-R-1950
15. 02-R-1952	
16. 02-R-1966	
17. 02-R-1996	
18. 02-R-2000	
19. 02-R-1951	
20. 02-R-1954	
21. 02-R-1978	
22. 02-R-1983	
23. 02-R-1984	
24. 02-R-1856	
25. 02-R-1931	
26. 02-R-1932	
27. 02-R-1933	
28. 02-R-1934	
29. 02-R-1935	
30. 02-R-1936	

Consent I Vote: 13 Yeas; 0 Nays (See RCS #4225)
Items Removed from Consent: 02-R-1982; 02-R-1882